GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri N. Chandra Sekhar, ACTO – Involvement in Criminal Case and conviction orders passed by the III Addl. Sessions Judge, Guntur – Imposing of major penalty of Dismissal from Service – Appeal filed before the Hon'ble High Court – Appeal allowed and set aside the impugned Sessions Court Judgment – Re-instated into Government Service – Regularization of the period spent on suspension and dismissal – Orders – Issued.

REVENUE (COMMERCIAL TAXES-I) DEPARTMENT

G.O.RT.No. 231 Dated: 07-02-2019
Read the following:

1) From the CCST, Letter ref.No.DXZ(2)/163/2018, Dt.02-04-2018.
2) G.O.RT.No.936, Revenue (CT-I) Dept., Dt.05-07-2018.
3) From the CCST, Letter ref.No.DXZ(2)/163/2018, Dt.20-12-2018 along with reptn. Dt.16-08-2018 filed by Sri N.Chandra Sekhar, ACTO.

** ** **

ORDER:

In the reference 1st read above, the Chief Commissioner of State Tax, A.P. has reported that Sri Nelaturi Chandra Sekhar, ACTO, Lalapet Circle, Guntur was involved in a criminal case in Cr.No.136/08 U/s 498 (a) IPC on charge of causing death of his wife. The Hon'ble Court of III Addl. Sessions Judge pronounced judgment on 05-01-2011 in case no.391/2009 convicting the Accused-1 u/s 235 (2) Cr.P.C. for the offence u/s 304-B IPC; and he was sentenced to undergo rigorous imprisonment for a period of Seven (7) years with a fine of Rs.1000/- (one thousand rupees) and in default of payment of fine, he shall undergo simple imprisonment for a period of one month for the offence under Sec.304-B of IPC. As per the orders of III Additional Sessions Judge, the Deputy Commissioner of Commercial Taxes, Guntur has dismissed Sri Nelaturi Chandra Sekhar, ACTO from service as per rules. Aggrieved by the above conviction orders, the individual has filed an appeal before the Hon'ble High Court. The Hon'ble High Court in its judgment in criminal Appeal No.6 of 2011, Dt.22-02-2018 has set aside the Judgment of III Addl. Sessions Judge, Guntur in SC.No.391/2009, Dt.05-01-2011. Accordingly, the individual has represented for his reinstatement into Government Service.

2. Whereas, Government, in the reference 2nd read above, after careful examination of the matter, directed the Chief Commissioner of State Tax, A.P. to reinstate Sri N.Chandra Sekhar into Government Service as ACTO with immediate effect as his conviction of criminal charges by Addl. Sessions Court, Guntur was set aside by the Hon'ble High Court of Judicature at Hyderabad for the State of A.P. and Telangana in its orders in Criminal Appeal No.6 of 2011, Dt.22-02-2018. Sri N.Chandra Sekhar joined the duty as GSTO (previously called as ACTO) on 17-07-2018 FN in the O/o Morrispet Circle,Tenali.

3. In the reference 3rd read above, the Chief Commissioner of State Tax, A.P., while forwarding the representation filed by Sri N.Chandra Sekhar, ACTO for regularization of the suspension period from 04-09-2008 to 15-06-2009 and dismissal period from 04-02-2012 to 16-07-2018, as per FR 54, has requested the Govt. to issue necessary instructions on the request of the individual, as the Hon'ble High Court of A.P. has pronounced the judgment setting aside the judgment of the trial court based on the merits of the case.

4. The Hon'ble High Court of A.P. in Cr.A.No.6 of 2011 has passed the following judgement orders Dt.22-02-2018:

PTO

"this court is of the view that the impugned judgment is not sustainable and the same is liable to be set aside. In this result, this appeal is allowed by setting aside the impugned judgment dated 05-01-2011 passed in SC.No.391 of 2009 by the III Additional Sessions Judge, Guntur".

5. Further, the Public Prosecutor, A.P. in his remarks vide letter Dt.12-06-2018 has informed that 'the High Court of A.P. found that the judgment of conviction and sentence of the trial court is not sustainable and thereby set aside the conviction and sentence. The findings arrived at by the Appellate Court (High Court) are basing on the evidence and material on record. Hence, it is not a fit case to file Special Leave Petition before the Supreme Court.

6. Government after careful examination of the matter and taking into consideration of the judgment of Hon'ble High Court of A.P., hereby regularize the suspension period from 04-09-2008 to 15-06-2009 and dismissal period from 04-02-2012 to 16-07-2018 of Sri N.Chandra Sekhar, ACTO under FR 54-A(3) of AP Fundamental Rules, as the judgment of trial court was set aside on the merits by the Hon'ble High Court.

7. This order issues with the concurrence of Finance Department vide their U.O.No.FIN01-HRORSPE/4/2019-HR.II, Dt.04-02-2018.

8. The Chief Commissioner of State Tax, A.P., shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Chief Commissioner of State Tax, A.P.,
Vijayawada, Krishna District – 521144.
Copy to:
The individual through the Chief Commissioner of State Tax, A.P,
Vijayawada.
The Deputy Commissioner (Commercial Taxes), Guntur.
The Accountant General, A.P., Hyderabad.
The Director, Treasuries and Accounts, A.P., Vijayawada.
SF/SC.

// FORWARDED:: BY ORDER//

SECTION OFFICER